

**HIGH COURT OF TRIPURA
AGARTALA**

Tr.P.(C) No.9 of 2024

Smt. Gayatri Chakraborty, wife of Sri Anjan Chakraborty, D/o Sri Chandan Chakraborty, resident of Gouranga Tilla, Ward No.10, P.S. Teliamura, P.O.-Teliamura, District-Khowai, Tripura.

..... Petitioner (s).

Versus

Sri Anjan Chakraborty, S/o Late Ranjan Chakraborty, Vill-Jamirghat, Kamalghat, P.S. Lefunga, District-West Tripura.

..... Respondent(s).

For Petitioner (s) : Mr. Dhiman Gope, Advocate,
Ms. S. Banik, Advocate.

For Respondent(s) : Mr. Kundan Pandey, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

29/08//2024

Heard learned counsel for the parties.

Petitioner-wife seeks transfer of suit T.S (RCR) No.70 of 2023 from the Court of the learned Judge, Family Court, West Tripura, Agartala to the Court of the learned Judge, Family Court, Khowai, Tripura. The marriage between the petitioner-wife and the respondent-husband was solemnized on 08.02.2012. Thereafter, marital discord started and since then she has been staying with her parents in Khowai. More particularly, Teliamura as described in the cause title of the plaint as Ward No.-10, P.S. – Teliamura was not specifically described in the cause title of the petition. However, petitioner has sought transfer of the suit on the ground that she will face genuine difficulties in attending to the proceeding of the suit before learned Family Court, West Tripura, Agartala as she has two minor children to maintain.

Learned counsel for the petitioner submits that petitioner is suffering from certain ailments and it would be onerous for her to travel from Telimura to Agartala for attending the proceedings of the suit.

Mr. Kundan Pandey, learned counsel for the respondent-husband on the other hand has objected to the prayer and submits that as per the description of address of the petitioner in the instant petition she is residing at Teliamura which is at the distance of about 43 km from Agartala and 33-34 km from Khowai. Therefore, it won't make any difference for the petitioner to attend to the proceedings of the matrimonial suit even if it is being prosecuted before Family Court, West Tripura, Agartala. Moreover, respondent-husband is employed in the Forest Department in Agartala. He has been paying maintenance @Rs.8000/- to the petitioner and the minor children. It may be difficult for him to attend to the proceedings of the suit at Khowai since he is an employed person. Learned counsel for the respondents also submits that the respondent is willing to pay the expenses for attending the proceedings of the Court to the petitioner-wife as and when she appears before the Court.

I have considered the submissions of the learned counsel for the parties and taken note of the attended materials facts. The grounds which are projected for seeking transfer of the matrimonial suit from the Court of the learned Judge, Family Court, West Tripura, Agartala to the Court of the learned Judge, Family Court, Khowai, Tripura indicate that the situation won't change so far as the petitioner is concerned as in both cases petitioner will have to travel either to Agartala which is at 43 km from Teliamura or to Khowai which is around 33-34 km from Teliamura. In such circumstances, the convenience of the petitioner-wife won't suffer. It would, therefore, not be proper to transfer the suit from the Court of the learned Judge, Family Court, West Tripura,

Agartala to the Court of the learned Judge, Family Court, Khowai, Tripura when there is no justifiable basis for that.

It is open for the petitioner to make such an application before the learned Family Court, West Tripura, Agartala in the pending proceeding for seeking cost of attending the proceedings which may be considered in accordance with law and in the light of the statements made on behalf of the respondent-husband as well.

Accordingly, the instant petition is dismissed. Pending application(s), if any, also shall stand disposed of.

(APARESH KUMAR SINGH), CJ

